

AMENDED IN ASSEMBLY JUNE 1, 2009

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 49

Introduced by Assembly Members Feuer and Huffman

December 1, 2008

An act to add Part 2.55 (commencing with Section 10608) to, and to repeal and add Part 2.8 (commencing with Section 10800) of, Division 6 of the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 49, as amended, Feuer. Water conservation: agricultural water management planning.

(1) Existing law requires the Department of Water Resources to convene an independent technical panel to provide information to the department and the Legislature on new demand management measures, technologies, and approaches. "Demand management measures" means those water conservation measures, programs, and incentives that prevent the waste of water and promote the reasonable and efficient use and reuse of available supplies.

This bill would require the state to achieve a 20% reduction in urban per capita water use in California by December 31, 2020. The state would be required to make incremental progress towards this goal by reducing per capita water use by at least 10% on or before December 31, 2015. The bill would require ~~the department to develop, by December 31, 2010, and through a public participation process, regional urban water use targets and interim regional urban water use targets~~ *each urban retail water supplier to develop urban water use targets*

and interim urban water use targets by December 31, 2010, in accordance with specified requirements. The bill would require agricultural water suppliers to implement water use efficiency best management practices and would impose related reporting requirements on agricultural water suppliers. The bill would require the department, in consultation with other state agencies, to develop a single standardized water use reporting form. The bill, with certain exceptions, would condition eligibility for certain water management grants or loans to urban water suppliers and agricultural water suppliers on the implementation of water conservation requirements established by the bill.

(2) Existing law, until January 1, 1993, and thereafter only as specified, requires certain agricultural water suppliers to prepare and adopt water management plans.

This bill would substantially revise existing law relating to agricultural water management planning to require agricultural water suppliers to prepare and adopt agricultural water management plans with specified components on or before December 31, 2011, and December 31, 2015, and on or before December 31 every 5 years thereafter. An agricultural water supplier that becomes an agricultural water supplier after December 31, 2012, would be required to prepare and adopt an agricultural water management plan within one year after becoming an agricultural water supplier. The agricultural water supplier would be required to notify each city or county within which the supplier provides water supplies with regard to the preparation or review of the plan. The bill would require the agricultural water supplier to submit copies of the plan to the department and other specified entities. The bill would provide that an agricultural water supplier is ineligible to receive specified state funds if the supplier does not prepare, adopt, and submit the plan in accordance with the requirements established by the bill.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Part 2.55 (commencing with Section 10608) is
- 2 added to Division 6 of the Water Code, to read:

PART 2.55. WATER CONSERVATION

CHAPTER 1. GENERAL DECLARATION AND POLICY

10608. The Legislature finds and declares all of the following:

(a) Water is a public resource that the California Constitution protects against waste and unreasonable use.

(b) Growing population, climate change, and the need to protect and grow California's economy while protecting and restoring our fish and wildlife habitats make it essential that the state manage its water resources as efficiently as possible.

(c) Reduced water use through conservation provides significant energy and environmental benefits, *and* can help protect water quality, ~~improves~~ *improve* streamflows, and ~~reduces~~ *reduce* greenhouse gas emissions.

(d) The success of state and local water conservation programs to increase efficiency of water use is best determined on the basis of measurable outcomes related to water use or efficiency.

(e) Improvements in technology and management practices offer the potential for increasing water efficiency in California over time, providing an essential water management tool to meet the need for water for urban, agricultural, and environmental uses.

(f) The Governor has called for a 20 percent per capita reduction in urban water use statewide by 2020.

(g) *The factors used to formulate water use efficiency targets can significantly from location to location based on factors including weather, patterns of urban and suburban development, and past efforts to enhance water use efficiency.*

(h) *Per capita water use is a valid measure of a water provider's efforts to reduce urban water use within its service area. However, per capita water use may be less useful for measuring relative water use efficiency between different water providers. Differences in weather, historical patterns of urban and suburban development, and density of housing in a particular location need to be considered when assessing per capita water use as a measure of efficiency.*

10608.4. It is the intent of the Legislature, by the enactment of this part, to do all of the following:

(a) Require all water suppliers to increase the efficiency of use of this essential resource.

1 (b) Establish a framework to meet the state targets for urban
2 water conservation identified in this part and called for by the
3 Governor.

4 (c) Measure increased efficiency of urban water use on a per
5 capita basis.

6 *(d) Establish a method or methods for urban retail water*
7 *suppliers to determine targets for achieving increased water use*
8 *efficiency by the year 2020, in accordance with the Governor's*
9 *goal of a 20-percent reduction.*

10 ~~(d)~~

11 (e) Establish consistent water use efficiency planning and
12 implementation standards for urban water suppliers and agricultural
13 water suppliers.

14 *(f) Promote urban water conservation standards that are*
15 *consistent with the California Urban Water Conservation Council's*
16 *adopted best management practices and the requirements for*
17 *demand management in Section 10631.*

18 *(g) Establish standards that recognize and provide credit to*
19 *water suppliers that made substantial capital investments in urban*
20 *water conservation since the drought of the early 1990s.*

21 *(h) Recognize and account for the investment of urban retail*
22 *water suppliers in providing recycled water for beneficial uses.*

23 ~~(e)~~

24 (i) Require implementation of specified best management
25 practices for agricultural water suppliers.

26 ~~(f)~~

27 (j) Support the economic productivity of California's
28 agricultural, commercial, and industrial sectors.

29 10608.8. (a) This part does not limit or otherwise affect the
30 application of Section 1011.

31 (b) This part does not limit or otherwise affect the application
32 of Chapter 3.5 (commencing with Section 11340), Chapter 4
33 (commencing with Section 11370), Chapter 4.5 (commencing with
34 Section 11400), and Chapter 5 (commencing with Section 11500)
35 of Part 1 of Division 3 of Title 2 of the Government Code.

36 (c) This part ~~may not reduce~~ *does not require a reduction in the*
37 *total water used in the agricultural or urban sectors, because other*
38 *factors such as changes in agricultural economics or population*
39 *growth may have greater effects on water use. This part does not*

1 limit the economic productivity of California's agricultural,
2 commercial, or industrial sectors.

3
4 CHAPTER 2. DEFINITIONS

5
6 ~~10618.12.~~

7 *10608.12.* Unless the context otherwise requires, the following
8 definitions govern the construction of this part:

9 (a) "Agricultural water supplier" means a water supplier, either
10 publicly or privately owned, providing water to more than 2,000
11 acres of agricultural land, or supplying more than 2,000 acre-feet
12 of agricultural water annually, excluding recycled water. An
13 agricultural water supplier includes a supplier or contractor for
14 water, regardless of the basis of right, which distributes or sells
15 water for ultimate resale to customers.

16 (b) "Base daily per capita water use" means ~~a daily per capita~~
17 ~~water use during a base year or base years determined by the~~
18 ~~department pursuant to subdivision (d) of Section 10608.20 that~~
19 ~~best reflects current normal water use and, to the extent feasible,~~
20 ~~is a base year of 2004 or later. the urban retail water supplier's~~
21 ~~estimate of its existing average gross daily water use per capita,~~
22 ~~reported in gallons per capita per day and calculated over a~~
23 ~~continuous 10-year period ending in 2004 or later.~~

24 (c) "Commercial water user" means a water user that provides
25 or distributes a product or service.

26 ~~(d) (1) "Daily per capita water use" means the gross water use~~
27 ~~in a calendar year divided by the average number of residents~~
28 ~~during that year divided by 365 days per year.~~

29 ~~(2) For purposes of paragraph (1), the average number of~~
30 ~~residents during that year shall be determined using federal, state,~~
31 ~~and regional population reports supplemented with local~~
32 ~~information and trend-based extrapolations.~~

33 *(d) "Compliance daily per capita water use" means the gross*
34 *daily water use per capita during a reporting period, reported in*
35 *gallons per capita per day.*

36 (e) "Disadvantaged community" means a community with an
37 annual median household income that is less than 80 percent of
38 the statewide annual median household income.

39 (f) "Gross water use" means the total volume of treated or
40 untreated water entering the distribution system of an urban retail

1 water supplier and excludes agricultural water deliveries and
2 recycled water use., excluding all of the following:

3 (1) *Recycled water.*

4 (2) *The net volume of water that the urban retail water supplier*
5 *places into long-term storage.*

6 (3) *The volume of water the urban retail water supplier conveys*
7 *for use by another urban water supplier.*

8 (4) *If the urban retail water supplier elects to exclude*
9 *agricultural water use from its urban water use target, the volume*
10 *of water delivered for agricultural use.*

11 (g) “Industrial water user” means a water user that is primarily
12 a manufacturer or processor of materials as defined by the Standard
13 Industrial Classifications Code numbers 2000 through 3999.

14 (h) “Institutional water user” means a water user dedicated to
15 public service. This includes higher education institutions, schools,
16 courts, churches, hospitals, and government facilities.

17 (i) “Interim urban water use target” means one-half of the
18 difference between the urban retail water supplier’s base daily
19 per capita water use and the urban retail water supplier’s urban
20 water use target.

21 (i)

22 (j) “Locally cost effective” means that the present value of the
23 local benefits of implementing an agricultural best management
24 practice is greater than or equal to the present value of the local
25 cost of implementing that measure.

26 (j) ~~“Recycled water use” means any beneficial use of nonpotable~~
27 ~~recycled water by a retail customer of the urban retail water~~
28 ~~supplier which helps meet an urban retail water suppliers gross~~
29 ~~water use.~~

30 (k) “Recycled water” means water that, as a result of treatment
31 of waste, is suitable for a direct beneficial use or a controlled use
32 that would not otherwise occur.

33 (l) “Reporting period” means the years for which an urban
34 retail water supplier reports compliance with the urban water use
35 targets.

36 (k)

37 (m) “Urban retail water supplier” means a water supplier, either
38 publicly or privately owned, that directly provides municipal water
39 to more than 3,000 end users or that supplies more than 3,000
40 acre-feet of water annually.

1 (n) “Urban water use target” means the urban retail water
2 supplier’s targeted future daily per capita water use.

3 ~~(t)~~

4 (o) “Urban wholesale water supplier,” either publicly or
5 privately owned, means a water supplier that provides more than
6 3,000 acre-feet of water annually at wholesale for municipal
7 purposes.

8 ~~(m)~~

9 (p) “Water conservation” means the efficient management of
10 water resources for beneficial uses, preventing waste, or
11 accomplishing additional benefits with the same amount of water.

12
13 CHAPTER 4.3. URBAN WATER SUPPLIERS

14
15 10608.16. (a) The state shall achieve a 20-percent reduction
16 in urban per capita water use in California on or before December
17 31, 2020.

18 (b) The state shall make incremental progress towards the state
19 target specified in subdivision (a) by reducing per capita water use
20 by at least 10 percent on or before December 31, 2015.

21 ~~10608.20. (a) The department shall, through a public~~
22 ~~participation process, by December 31, 2010, develop regional~~
23 ~~urban water use targets and interim regional urban water use~~
24 ~~targets.~~

25 ~~(b) The targets shall cumulatively result in a statewide~~
26 ~~20-percent reduction in daily per capita water use by 2020.~~

27 ~~(c) In developing urban water use targets, the department shall~~
28 ~~do all of the following:~~

29 ~~(1) Consider the high efficiency and low per capita water use~~
30 ~~levels already achieved by some urban water suppliers.~~

31 ~~(2) Consider climactic differences within the state.~~

32 ~~(3) Provide flexibility to urban water suppliers and regions in~~
33 ~~meeting the targets.~~

34 ~~(4) Define the base year or years and determine statewide base~~
35 ~~daily per capita water use.~~

36 ~~(d) The department shall, through a public participation process,~~
37 ~~by December 31, 2010, develop per capita water use calculation~~
38 ~~procedures with public input. The calculation procedures shall~~
39 ~~include all of the following:~~

~~(1) Methods for computing base daily per capita water use for commercial, industrial, and institutional water users.~~

~~(2) Methods for computing current per capita water use for commercial, industrial, and institutional water users.~~

~~(3) Methods for computing current per capita residential water use.~~

~~(4) Methods for computation at geographic scales including urban retail water supplier, urban wholesale water supplier, regional water management group, integrated regional water management funding area, hydrologic region, or other appropriate geographic scales.~~

~~(e) Per capita water use calculation procedures developed by the department shall not include nonpotable recycled water in computing per capita water use.~~

10608.20. (a) (1) Each urban retail water supplier shall develop urban water use targets and interim urban water use targets by December 31, 2010. Urban retail water suppliers may elect to determine and report progress toward achieving these targets on an individual or regional basis and may determine the targets on a fiscal year or calendar year basis.

(2) It is the intent of the Legislature that the urban water use targets described in subdivision (a) cumulatively result in a 20-percent reduction from the baseline daily per capita water use by 2020.

(b) An urban retail water supplier shall adopt one of the following methods for determining its urban water use target pursuant to subdivision (a):

(1) Eighty percent of the urban retail water supplier's baseline per capita daily water use.

(2) The per capita daily water use that is estimated using the sum of the following performance standards:

(A) For indoor residential water use, 55 gallons per capita daily water use as a provisional target. Upon completion of the department's 2016 report to the Legislature pursuant to Section 10608.42, this target may be adjusted.

(B) For landscape irrigated through dedicated or residential meters, water efficiency equivalent to the standards of the Model Water Efficient Landscape Ordinance set forth in Chapter 2.7 (commencing with Section 490) of Division 2 of Title 23 of the California Code of Regulations, as in effect the later of the year

1 of the landscape's installation or 1992. An urban retail water
2 supplier using this approach shall use satellite imagery, site visits,
3 or other best available technology to develop an accurate estimate
4 of landscaped areas.

5 (C) For commercial, industrial, and institutional uses, a
6 10-percent reduction in water use by 2015. Upon completion of
7 the report described in Section 10608.43, targeted savings
8 equivalent to full implementation of the recommended alternative
9 best management practices identified in that report shall be used
10 for the 2020 target.

11 (D) For agricultural irrigation use, water efficiency equivalent
12 to the standards for landscape areas in the Model Water Efficient
13 Landscape Ordinance set forth in Chapter 2.7 (commencing with
14 Section 490) of Division 2 of Title 23 of the California Code of
15 Regulations, as in effect the later of the year of the landscape's
16 installation or 1992. An urban retail water supplier may elect to
17 exclude agricultural water use from its urban water use target. If
18 the urban retail water supplier elects to exclude agricultural water
19 use from its urban water use target and if the urban retail water
20 supplier is also an agricultural water supplier, it shall address
21 agricultural water use as set forth in Chapter 4 (commencing with
22 Section 10608.48).

23 (3) For urban water suppliers that were members of the
24 California Urban Water Conservation Council prior to 1994, and
25 that are at or below the applicable state hydrologic region target,
26 as set forth in the state's draft 20x2020 Water Conservation Plan
27 (dated April 30, 2009), 95 percent of base per capita water use.

28 (c) An urban retail water supplier shall include in its urban
29 water management plan required pursuant to Part 2.6
30 (commencing with Section 10610) due in 2010 the baseline daily
31 per capita water use, urban water use target, interim urban water
32 use target, and compliance daily per capita water use, along with
33 the bases for determining those estimates along with references
34 to the data supporting those estimates.

35 (d) When calculating per capita values for the purposes of this
36 chapter, an urban retail water supplier shall determine population
37 using federal, state, and local population reports and projections.

38 (e) An urban retail water supplier may update its 2020 urban
39 water use target in its 2015 urban water management plan required
40 pursuant to Part 2.6 (commencing with Section 10610).

1 10608.24. (a) Each urban retail water supplier shall meet its
2 interim urban water use target by December 31, 2015.

3 (b) Each urban retail water supplier shall meet its urban water
4 use target by December 31, 2020.

5 (c) *An urban retail water supplier's compliance daily per capita*
6 *water use shall be the measure of progress toward achievement*
7 *of its urban water use target.*

8 (d) *When determining compliance daily per capita water use,*
9 *an urban retail water supplier may consider weather-normalizing*
10 *factors, including, but not limited to, any differences in*
11 *evapotranspiration and rainfall in the baseline period compared*
12 *to the compliance reporting period. If the urban retail water*
13 *supplier elects to include weather-normalization factors in its*
14 *estimate of compliance daily per capita water use, it shall provide*
15 *the basis for, and data supporting, the weather-normalization*
16 *factors in the report required by Section 10608.40.*

17 10608.28. (a) An urban retail water supplier may meet its
18 urban water use target within its retail service area, or by
19 participation in cooperative programs at geographic scales
20 including urban wholesale water supplier, regional water
21 management group, integrated regional water management funding
22 area, hydrologic region, or other appropriate geographic scales for
23 which computation methods have been developed by the
24 department.

25 (b) An urban retail water supplier may meet its urban water use
26 target entirely through efficiency gains in its residential water use
27 sector, *entirely through efficiency gains in its landscape water use*
28 *sector*, entirely through efficiency gains in its commercial,
29 institutional, and industrial sector, or through some combination
30 between ~~the two~~ these sectors.

31 10608.32. All costs incurred pursuant to this part by a water
32 utility regulated by the Public Utilities Commission may be
33 recoverable in rates subject to review and approval by the Public
34 Utilities Commission, and may be recorded in a memorandum
35 account and reviewed for reasonableness by staff of the Public
36 Utilities Commission.

37 10608.36. Urban wholesale water suppliers shall include in
38 the urban water management plans required pursuant to Part 2.6
39 (commencing with Section 10610) an assessment of their present

1 and proposed future measures, programs, and policies to help
2 achieve the water use reductions required by this part.

3 10608.40. Urban water retail suppliers shall report to the
4 department on their progress in meeting their urban-use-water
5 water use targets as part of their urban water management plans
6 submitted pursuant to Section 10631.

7 10608.42. *The department shall review the 2015 urban water*
8 *management plans and report to the Legislature by December 31,*
9 *2016, on progress towards achieving a 20-percent reduction in*
10 *urban water use by 2020. The report may include recommendations*
11 *on changes to water efficiency standards or urban water use targets*
12 *in order to achieve the 20-percent reduction and to reflect updated*
13 *efficiency information and technology changes.*

14 10608.43. *The department shall, in conjunction with the*
15 *California Urban Water Conservation Council, by April 1, 2010,*
16 *convene a task force consisting of experts to develop alternative*
17 *best management practices for the commercial, industrial, and*
18 *institutional sector. The task force shall submit a report to the*
19 *Legislature with recommendations by April 1, 2012.*

20 10608.44. State agencies shall reduce water use on facilities
21 they own or operate to support urban retail water suppliers in
22 meeting the target identified in Section 10608.16.

23
24 CHAPTER 2.4. AGRICULTURAL WATER SUPPLIERS
25

26 10608.48. (a) On or before July 31, 2012, an agricultural water
27 supplier shall implement water use efficiency best management
28 practices pursuant to subdivisions (b) and (c).

29 (b) Agricultural water suppliers shall implement all of the
30 following critical best management practices:

31 (1) Measure the volume of water delivered to customers with
32 sufficient accuracy to comply with subdivision (a) of Section
33 531.10 and to implement volumetric pricing pursuant to paragraph
34 (4).

35 (2) Designate a water conservation coordinator who will develop
36 and implement the water management plan and prepare progress
37 reports.

38 (3) Provide for the availability of water management services
39 to water users. These services may include, but are not limited to,
40 all of the following:

- 1 (A) On-farm irrigation and drainage system evaluations.
- 2 (B) Normal year and real-time irrigation scheduling and crop
- 3 evapotranspiration information.
- 4 (C) Surface water, groundwater, and drainage water quantity
- 5 and quality data.
- 6 (D) Agricultural water management educational programs and
- 7 materials for farmers, staff, and the public.
- 8 (4) Adopt a pricing structure for water customers based at least
- 9 in part on quantity delivered.
- 10 (5) Evaluate the policies of agencies that provide the supplier
- 11 with water to identify the potential for institutional changes to
- 12 allow more flexible water deliveries and storage.
- 13 (6) Evaluate and improve the efficiencies of the supplier's
- 14 pumps.
- 15 (c) Agricultural water suppliers shall implement additional best
- 16 management practices, including, but not limited to, practices to
- 17 accomplish all of the following, if the measures are locally cost
- 18 effective and technically feasible:
- 19 (1) Facilitate alternative land use for lands with exceptionally
- 20 high water duties or whose irrigation contributes to significant
- 21 problems, including drainage.
- 22 (2) Facilitate use of available recycled water that otherwise
- 23 would not be used beneficially, meets all health and safety criteria,
- 24 and does not harm crops or soils.
- 25 (3) Facilitate the financing of capital improvements for ~~on-farm~~
- 26 *on-farm* irrigation systems.
- 27 (4) Implement an incentive pricing structure that promotes one
- 28 or more of the following goals:
- 29 (A) More efficient water use at the farm level.
- 30 (B) Conjunctive use of groundwater.
- 31 (C) Appropriate increase of groundwater recharge.
- 32 (D) Reduction in problem drainage.
- 33 (E) Improved management of environmental resources.
- 34 (F) Effective management of all water sources throughout the
- 35 year by adjusting seasonal pricing structures based on current
- 36 conditions.
- 37 (5) Line or pipe distribution systems and construct regulatory
- 38 reservoirs to increase distribution system flexibility and capacity,
- 39 decrease maintenance, and reduce seepage.

1 (6) Increase flexibility in water ordering by, and delivery to,
2 water customers within operational limits.

3 (7) Construct and operate supplier spill and tailwater recovery
4 systems.

5 (8) Increase planned conjunctive use of surface and groundwater
6 within the supplier service area.

7 (9) Automate canal control structures.

8 (10) Facilitate or promote customer pump testing and evaluation.

9 (d) Agricultural water suppliers shall report to the department
10 on which best management practices have been implemented and
11 are planned to be implemented, an estimate of the water savings
12 that have occurred since the last report, and an estimate of the
13 water savings estimated to occur five and 10 years in the future.

14 If an agricultural water supplier determines that a best management
15 practice is not locally cost effective or technically feasible, the
16 supplier shall submit information documenting that determination.

17 (e) The reports shall be submitted to the department on or before
18 ____, and thereafter in years ending in zero and years ending in
19 five.

20 (f) Agricultural water supplier reporting requirements may be
21 met through the submission to the department of an agricultural
22 water management plan required pursuant to Section 10820, or
23 developed for the United States Bureau of Reclamation that is
24 consistent with this part.

25 (g) The reports shall be submitted using a standardized form
26 developed pursuant to Section ____.

27 (h) The department may update the best management practices
28 required pursuant to subdivisions (b) and (c), in consultation with
29 the Agricultural Water Management Council, the United States
30 Bureau of Reclamation, and after technical and public input
31 provided pursuant to Section ____.

32
33 CHAPTER 3.5. STANDARDIZED DATA COLLECTION
34

35 10608.52. (a) The department, in consultation with the board,
36 the California Bay-Delta Authority, the State Department of Public
37 Health, and the Public Utilities Commission, shall develop a single
38 standardized water use reporting form to meet the water use
39 information needs of each agency.

(b) At a minimum, the form shall be developed to accommodate information sufficient to assess an urban water supplier's compliance with conservation targets pursuant to Section 10608.24 and an agricultural water supplier's compliance with implementation of best management practices pursuant to subdivision (a) of Section 10608.48.

CHAPTER 4.6. ~~GENERAL~~ FUNDING PROVISIONS

10608.56. (a) Beginning August 1, ____, the terms of, and eligibility for, a water management grant or loan made to urban retail water suppliers and awarded or administered by the department, board, or California Bay-Delta Authority or its successor agency shall be conditioned on the implementation of this part.

(b) Beginning January 1, ____, the terms of, and eligibility for, a water management grant or loan made to agricultural water suppliers and awarded or administered by the department, board, or California Bay-Delta Authority or its successor agency shall be conditioned on the implementation of this part.

(c) Notwithstanding subdivision (a), the department shall determine that an urban retail water supplier is eligible for a water management grant or loan even though the supplier has not met the per capita reductions required pursuant to Section 10608.24, if the urban retail water supplier has submitted to the department for approval a schedule, financing plan, and budget, to be included in the grant or loan agreement, for achieving the per capita reductions. The supplier may request grant or loan funds to achieve the per capita reductions to the extent the request is consistent with the eligibility requirements applicable to the water management funds.

(d) Notwithstanding subdivision (b), the department shall determine that an agricultural water supplier is eligible for a water management grant or loan even though the supplier is not implementing all of the best management practices described in Section 10608.48, if the agricultural water supplier has submitted to the department for approval a schedule, financing plan, and budget, to be included in the grant or loan agreement, for implementation of the best management practices. The supplier may request grant or loan funds to implement the best management

1 practices to the extent the request is consistent with the eligibility
2 requirements applicable to the water management funds.

3 (e) Notwithstanding subdivision (a), the department shall
4 determine that an urban retail water supplier is eligible for a water
5 management grant or loan even though the supplier has not met
6 the per capita reductions required pursuant to Section 10608.24,
7 if the urban retail water supplier has submitted to the department
8 for approval documentation demonstrating that their entire service
9 area qualifies as a disadvantaged community.

10 10608.60. (a) It is the intent of the Legislature that funds made
11 available by Section 75026 of the Public Resources Code should
12 be expended, consistent with Division 43 (commencing with
13 Section 75001) of the Public Resources Code and upon
14 appropriation by the Legislature, for grants to implement this part.
15 In the allocation of funding, it is the intent of the Legislature that
16 the department give consideration to disadvantaged communities
17 to assist in implementing the requirements of this part.

18 (b) It is the intent of the Legislature that funds made available
19 by Section 75041 of the Public Resources Code should be expended
20 consistent with Division 43 (commencing with Section 75001) of
21 the Public Resources Code and, upon appropriation by the
22 Legislature, for direct expenditures to implement this part.

23
24 CHAPTER 5.7. QUANTIFYING AGRICULTURAL WATER USE
25 EFFICIENCY
26

27 10608.64. The department shall develop a methodology for
28 quantifying the efficiency of agricultural water use. Alternatives
29 to be assessed shall include, but not be limited to, determination
30 of efficiency levels based on crop type or irrigation system
31 distribution uniformity. On or before December 31, 2011, the
32 department shall report to the Legislature on a proposed
33 methodology and a plan for implementation. The plan shall include
34 the estimated implementation costs and the types of data needed
35 to support the methodology.

36 SEC. 2. Part 2.8 (commencing with Section 10800) of Division
37 6 of the Water Code is repealed.

38 SEC. 3. Part 2.8 (commencing with Section 10800) is added
39 to Division 6 of the Water Code, to read:

CHAPTER 1. GENERAL DECLARATIONS AND POLICY

(c) Agricultural water suppliers shall be required to prepare water management plans to achieve conservation of water.

CHAPTER 2. DEFINITIONS

10810. Unless the context otherwise requires, the definitions set forth in this chapter govern the construction of this part.

10811. “Agricultural water management plan” or “plan” means an agricultural water management plan prepared pursuant to this part.

10812. “Agricultural water supplier” has the same meaning as defined in Section 10608.12.

10813. “Customer” means a purchaser of water from a water supplier who uses water for agricultural purposes.

10814. “Person” means any individual, firm, association, organization, partnership, business, trust, corporation, company, public agency, or any agency of that entity.

10815. “Public agency” means any city, county, city and county, special district, or other public entity.

10816. “Urban water supplier” has the same meaning as set forth in Section 10617.

10817. “Water conservation” means the efficient management of water resources for beneficial uses, preventing waste, or accomplishing additional benefits with the same amount of water.

CHAPTER 3. AGRICULTURAL WATER MANAGEMENT PLANS

Article 1. General Provisions

10820. (a) An agricultural water supplier shall prepare and adopt an agricultural water management plan in the manner set forth in this chapter on or before December 31, 2011, and December 31, 2015, and on or before December 31 every five years thereafter.

(b) Every supplier that becomes an agricultural water supplier after December 31, 2012, shall prepare and adopt an agricultural water management plan within one year after the date it has become an agricultural water supplier.

(c) A water supplier that indirectly provides water to customers for agricultural purposes shall not prepare a plan pursuant to this part without the consent of each agricultural water supplier that directly provides that water to its customers.

1 10821. (a) An agricultural water supplier shall update its plan
2 at least once every five years on or before December 31, in years
3 ending in zero and five.

4 (b) An agricultural water supplier required to prepare a plan
5 pursuant to this part shall notify each city or county within which
6 the supplier provides water supplies that the agricultural water
7 supplier will be preparing the plan or reviewing the plan and
8 considering amendments or changes to the plan. The agricultural
9 water supplier may consult with, and obtain comments from, each
10 city or county that receives notice pursuant to this subdivision.

11 (c) The amendments to, or changes in, the plan shall be adopted
12 and submitted in the manner set forth in Article 3 (commencing
13 with Section 10840).

14 Article 2. Contents of Plans

15
16
17 10825. (a) It is the intent of the Legislature in enacting this
18 part to allow levels of water management planning commensurate
19 with the numbers of customers served and the volume of water
20 supplied.

21 (b) This part does not require the implementation of water
22 conservation programs or practices that are not locally cost
23 effective.

24 10826. An agricultural water management plan shall be adopted
25 in accordance with this chapter. The plan shall do all of the
26 following:

27 (a) Describe the agricultural water supplier and the service area,
28 including all of the following:

- 29 (1) Size of the service area.
- 30 (2) Location of the service area and its water management
31 facilities.
- 32 (3) Terrain and soils.
- 33 (4) Climate.
- 34 (5) Operating rules and regulations.
- 35 (6) Water delivery measurements or calculations.
- 36 (7) Water rate schedules and billing.
- 37 (8) Water shortage allocation policies.

38 (b) Describe the quantity and quality of water resources of the
39 agricultural water supplier, including all of the following:

- 40 (1) Surface water supply.

- 1 (2) Groundwater supply.
- 2 (3) Other water supplies.
- 3 (4) Source water quality monitoring practices.
- 4 (5) Water uses within the agricultural water supplier's service
- 5 area, including all of the following:
 - 6 (A) Agricultural.
 - 7 (B) Environmental.
 - 8 (C) Recreational.
 - 9 (D) Municipal and industrial.
 - 10 (E) Groundwater recharge.
 - 11 (F) Transfers and exchanges.
 - 12 (G) Other water uses.
- 13 (6) Drainage from the water-supplier *supplier's* service area.
- 14 (7) Water accounting, including all of the following:
 - 15 (A) Quantifying the water supplier's water supplies.
 - 16 (B) Tabulating water uses.
 - 17 (C) Overall water budget.
 - 18 (8) Water supply reliability.
- 19 (c) Include an analysis, based on available information, of the
- 20 effect of climate change on future water supplies.
- 21 (d) Describe previous water management activities.
- 22 (e) Include in the plan the water use efficiency information
- 23 required pursuant to Section 10608.48.
- 24 10827. Agricultural water suppliers that are members of the
- 25 Agricultural Water Management Council, and that submit water
- 26 management plans to that council in accordance with the
- 27 "Memorandum of Understanding Regarding Efficient Water
- 28 Management Practices By Agricultural Water Suppliers In
- 29 California," dated January 1, 1999, may submit the water
- 30 management plans identifying water demand management
- 31 measures currently being implemented, or scheduled for
- 32 implementation, to satisfy the requirements of Section 10826.
- 33 10828. (a) Agricultural water suppliers that are required to
- 34 submit water conservation plans to the United States Bureau of
- 35 Reclamation pursuant to either the Central Valley Project
- 36 Improvement Act (Public Law 102-575) or the Reclamation
- 37 Reform Act of 1982, or both, may submit those water conservation
- 38 plans to satisfy the requirements of Section 10826, if both of the
- 39 following apply:

1 (1) The agricultural water supplier has adopted and submitted
2 the water conservation plan to the United States Bureau of
3 Reclamation within the previous four years.

4 (2) The United States Bureau of Reclamation has accepted the
5 water conservation plan as adequate.

6 (b) This part does not require agricultural water suppliers that
7 are required to submit water conservation plans to the United States
8 Bureau of Reclamation pursuant to either the Central Valley Project
9 Improvement Act (Public Law 102-575) or the Reclamation
10 Reform Act of 1982, or both, to prepare and adopt water
11 conservation plans according to a schedule that is different from
12 that required by the United States Bureau of Reclamation.

13 10829. An agricultural water supplier may satisfy the
14 requirements of this part by adopting an urban water management
15 plan pursuant to Part 2.6 (commencing with Section 10610) or by
16 participation in ~~area-wide~~ *areawide*, regional, watershed, or
17 basinwide water management planning if those plans meet or
18 exceed the requirements of this part.

19 20 Article 3. Adoption and Implementation of Plans 21

22 10840. Every agricultural water supplier shall prepare its plan
23 pursuant to Article 2 (commencing with Section 10825).

24 10841. Prior to adopting a plan, the agricultural water supplier
25 shall make the proposed plan available for public inspection, and
26 shall hold a public hearing on the plan. Prior to the hearing, notice
27 of the time and place of hearing shall be published within the
28 jurisdiction of the publicly owned agricultural water supplier
29 pursuant to Section 6066 of the Government Code. A privately
30 owned agricultural water supplier shall provide an equivalent notice
31 within its service area. After the hearing, the plan shall be adopted
32 as prepared or as modified during or after the hearing.

33 10842. An agricultural water supplier shall implement the plan
34 adopted pursuant to this chapter in accordance with the schedule
35 set forth in its plan, as determined by the governing body of the
36 agricultural water supplier.

37 10843. (a) An agricultural water supplier shall submit to the
38 entities identified in subdivision (b) a copy of its plan no later than
39 30 days after the adoption of the plan. Copies of amendments or
40 changes to the plans shall be submitted to the entities identified in

1 subdivision (b) within 30 days after the adoption of the
2 amendments or changes.

3 (b) An agricultural water supplier shall submit a copy of its plan
4 and amendments or changes to the plan to each of the following
5 entities:

6 (1) The department.

7 (2) Any city, county, or city and county within which the
8 agricultural water supplier provides water supplies.

9 (3) Any groundwater management entity within which
10 jurisdiction the agricultural water supplier extracts or provides
11 water supplies.

12 (4) Any urban water supplier within which jurisdiction the
13 agricultural water supplier provides water supplies.

14 (5) Any city or county library within which jurisdiction the
15 agricultural water supplier provides water supplies.

16 (6) The California State Library.

17 (7) Any local agency formation commission serving a county
18 within which the agricultural water supplier provides water
19 supplies.

20 10844. (a) Not later than 30 days after the date of adopting its
21 plan, the agricultural water supplier shall make the plan available
22 for public review on the agricultural water supplier's Internet Web
23 site.

24 (b) An agricultural water supplier that does not have an Internet
25 Web site shall submit to the department, not later than 30 days
26 after the date of adopting its plan, a copy of the adopted plan in
27 an electronic format. The department shall make the plan available
28 for public review on the department's Internet Web site.

29 10845. (a) The department shall prepare and submit to the
30 Legislature, on or before December 31, 2012, and thereafter in the
31 years ending in six and years ending in one, a report summarizing
32 the status of the plans adopted pursuant to this part.

33 (b) The report prepared by the department shall identify the
34 outstanding elements of any plan adopted pursuant to this part.
35 The report shall include an evaluation of the effectiveness of this
36 part in promoting efficient agricultural water management practices
37 and recommendations relating to proposed changes to this part, as
38 appropriate.

39 (c) The department shall provide a copy of the report to each
40 agricultural water supplier that has submitted its plan to the

1 department. The department shall also prepare reports and provide
2 data for any legislative hearing designed to consider the
3 effectiveness of plans submitted pursuant to this part.

4 (d) This section does not authorize the department, in preparing
5 the report, to approve, disapprove, or critique individual plans
6 submitted pursuant to this part.

7
8 CHAPTER 6.4. MISCELLANEOUS PROVISIONS
9

10 10850. (a) Any action or proceeding to attack, review, set
11 aside, void, or annul the acts or decisions of an agricultural water
12 supplier on the grounds of noncompliance with this part shall be
13 brought pursuant to Section 1085 of the Code of Civil Procedure,
14 and the court's review of compliance or noncompliance with this
15 part shall extend to whether the plan, or portion thereof, or revision
16 thereto, substantially complies with the requirements of this part.

17 (b) An action or proceeding alleging failure to adopt a plan shall
18 be commenced within 18 months after that adoption is required
19 by this part.

20 (c) Any action or proceeding alleging that a plan, or action taken
21 pursuant to the plan, does not comply with this part shall be
22 commenced within 120 days after submitting the plan or
23 amendments to the plan to entities in accordance with Section
24 10844 or the taking of that action.

25 (d) In an action or proceeding to attack, review, set aside, void,
26 or annul the acts or decisions of an agricultural water supplier
27 made pursuant to this part at a properly noticed public hearing, the
28 issues raised shall be limited to those raised in the public hearing,
29 or in written correspondence delivered to the agricultural water
30 supplier prior to, or at, the public hearing, except if the court finds
31 either of the following:

32 (1) The issue could not have been raised at the public hearing
33 by a person exercising reasonable diligence.

34 (2) The body conducting the public hearing prevented the issue
35 from being raised at the public hearing.

36 10851. The California Environmental Quality Act (Division
37 13 (commencing with Section 21000) of the Public Resources
38 Code) does not apply to the preparation and adoption of plans
39 pursuant to this part. This part does not exempt projects for

1 implementation of the plan or for expanded or additional water
2 supplies from the California Environmental Quality Act.
3 10852. An agricultural water supplier that does not prepare,
4 adopt, and submit its agricultural water management plan in
5 accordance with this part is ineligible to receive funds made
6 available pursuant to any program administered by the board, the
7 department, or the California Bay-Delta Authority, or participate
8 in any drought assistance program administered by the state, until
9 the agricultural water management plan is submitted pursuant to
10 this part.

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